

PATENT
U.S. Patent Application No. 10/595,568
Attorney's Docket No. PS03 0291WO1

Amendments to the Drawings:

Please replace the drawing sheets including Figs. 1-5 with the attached replacement drawing sheets including Figs. 1-5.

PATENT
U.S. Patent Application No. 10/595,568
Attorney's Docket No. PS03 0291WO1

REMARKS

In the non-final Office Action, the Examiner objects to the drawings; objects to the specification due to an informality; objects to claims 30 and 31 because of minor informalities; rejects claims 37 and 38 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; and rejects claims 20-38 under 35 U.S.C. § 102(e) as anticipated by TUORINIEMI et al. (U.S. Patent No. 7,191,343). Applicants respectfully traverse the objections and the rejections.

By way of the Amendment, Applicants amend the specification and claims 20, 22-24, 26, 28-30, and 33-38 to improve form; cancel claims 25, 27, 31, and 32 without prejudice or disclaimer of the subject matter thereof; and add new claims 39-42. In addition, Applicants propose amending Figs. 1-5 as set forth in the attached Replacement Drawing Sheets. No new matter has been introduced. Claims 20-24, 26, 28-30, and 33-42 are now pending.

Objection to the Drawings

The drawings stand objected to as allegedly failing to comply with 37 C.F.R. § 1.121(d) due to Figs. 1-4 depicting boxes "whose meanings are unclear" and for Fig. 5 being incomplete (Office Action – paragraphs 1 and 4); and allegedly failing to comply with 37 C.F.R. § 1.84(p)(5) due to Figs 4 and 5 depicting reference numbers that are not included in the specification, and for Figs. 1-5 failing to depict reference numbers cited in the specification (Office Action – paragraphs 2 and 3). Applicants propose amending Fig. 4 to correct reference numeral "36" to read "43" consistent with the description thereof in the specification; amending Figs. 1-4 to include text labels as appropriate, as set forth in the attached Replacement Drawing Sheets; and deleting a number of elements from Fig. 5. Applicants further amend the

specification to include a reference to element 35 of Fig. 4, and to include a description of Fig. 5.

No new matter has been added.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. §§ 1.121(d) and 1.84(p)(5).

Objection to the Specification

The specification stands objected to due to a minor informality under M.P.E.P. § 608.01(a). Particularly, the Examiner indicates that a section header is need for the background section of the specification. The specification is amended to address the Examiner's concerns.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification under M.P.E.P. § 608.01(a).

Rejection under 35 U.S.C. § 101

Pending claims 37 and 38 stand rejected under 35 U.S.C. § 101 as allegedly drawn to non-patentable subject matter (Office Action – page 6). The rejection is respectfully traversed.

Without acquiescing in the rejection, but merely to expedite prosecution, independent claims 37 and 38 have been amended to address the Examiner's concerns.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 37 and 38 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 102 based on TUORINIEMI

Pending claims 20-24, 26, 28-30, and 33-38 stand rejected under 35 U.S.C. § 102(e) as anticipated by TUORINIEMI. The rejection is respectfully traversed.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See

M.P.E.P. § 2131. TUORINIEMI does not disclose or suggest the combination of features recited in claims 20-24, 26, 28-30, and 33-42.

For example, amended independent claim 20 is directed to method of providing information about digital rights management features in relation to an electronic communication device. The method includes in a content providing device, providing a downloadable content for an intended user of a particular communication device; providing information about digital rights management, the digital rights management including a rights object bound to a Subscriber Identification Module (SIM) by a server via a network; providing a constraint defining a manner in which the particular user is allowed to use the content related to the information about digital rights management; binding the content to the user based on information in the constraint, or binding automatically based on the information about digital rights management; and storing the content under control of the digital rights management control information, where the content is bound to the intended user in the particular communication device. This combination of features is not disclosed or suggested by TUORINIEMI.

For example, TUORINIEMI does not disclose or suggest providing information about digital rights management, the digital rights management including a rights object bound to a Subscriber Identification Module (SIM) by a server via a network. In rejecting similar subject matter of former claim 25, the Examiner alleges that TUORINIEMI discloses that “the rights object is always bound to a Subscriber Identification Module,” citing col. 20, lines 13-20 (Office Action – page 9). Applicants respectfully submit that neither this, nor any other section, of TUORINIEMI discloses providing information about digital rights management, the digital

rights management including a rights object bound to a Subscriber Identification Module (SIM) by a server via a network, as recited in claim 20, as amended.

Col. 20, lines 13-20 of TUORINIEMI discloses:

With the present invention, the content provider may describe to which device the content will be personalized. The options may include, for example, the SIM or any other type of smart card or external, terminal connected module, IMEI, some terminal hardware (HW) function, the rights expression voucher itself, a terminal secret key, an application specific circuit (ASIC) or a hardware identifier (ID), or any other fixed value from the device.

This section of TUORINIEMI merely discloses that a content provider may describe a SIM for which content will be personalized. Nowhere in this section, or elsewhere, does TUORINIEMI disclose or suggest providing information about digital rights management, the digital rights management including a rights object bound to a Subscriber Identification Module (SIM) by a server via a network, as recited in claim 20, as amended. To the contrary, TUORINIEMI clearly discloses an “on-device”-based content personalization operation, in which the mobile terminal binds content to itself (and possibly a coupled SIM) “without server-side support” (col. 1, lines 49 and 54), which “can use personalization information not known by the voucher server” (col. 1, lines 66-67), to thereby off-load “considerable data processing related to personalization from the voucher servers to the [mobile phone itself]” (col. 2, lines 58-59). Thus, TUORINIEMI cannot disclose or suggest a rights object bound to a Subscriber Identification Module (SIM) by a server via a network, as recited in claim 20, as amended.

Pending claims 21-24 depend from claim 20 and are, therefore, not anticipated by TUORINIEMI for at least the reasons given for claim 20.

PATENT
U.S. Patent Application No. 10/595,568
Attorney's Docket No. PS03 0291WO1

Independent claim 26, as amended, recites features similar to (yet possibly of different scope than) features discussed above with respect to claim 20. Thus, claim 26 is not anticipated by TUORINIEMI for at least reasons similar to the reasons given for claim 20.

Pending claim 28 depends from claim 26 and is, therefore, not anticipated by TUORINIEMI for at least the reasons given for claim 26.

Independent claim 29, as amended, recites features similar to (yet possibly of different scope than) features discussed above with respect to claim 20. Thus, claim 29 is not anticipated by TUORINIEMI for at least reasons similar to the reasons given for claim 20.

Pending claims 30, 33, and 34 depend from claim 29 and are, therefore, not anticipated by TUORINIEMI for at least the reasons given for claim 29.

Independent claims 35-38, as amended, recite features similar to (yet possibly of different scope than) features discussed above with respect to claim 20. Thus, claims 35-38 are not anticipated by TUORINIEMI for at least reasons similar to the reasons given for claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 20-24, 26, 28-30, and 33-38 under 35 U.S.C. § 102(e) based on TUORINIEMI.

New Claims

New claims 39-42 variously depend from claims 20, 26, 29, and 35 and are, therefore, not anticipated by TUORINIEMI for at least the reasons given above for their respective base claims.

PATENT
U.S. Patent Application No. 10/595,568
Attorney's Docket No. PS03 0291WO1

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: / Garth D. Richmond, Reg. No. 43,044/
Garth D. Richmond
Registration No. 43,044

Date: January 16, 2009
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 58561

Attachments: Replacement Drawing Sheets (3)